

1357. **Misbranding of Adolphus proprietary remedies.** U. S. v. 359 Cartons of Broom Herb Laxative, 194 Boxes of Adolphus Peppermint, 8 Bottles of Calcium Pantothenate, 71 Bottles of Adolphus Natural Organic Calcium Tablets, 24 Bottles of Adolphus Brand Calcium Tablets, 60 Bottles of Adolphus Brand Soybean Lecithin, 104 Bottles of Adolphus Brand Wheat Germ Oil, 60 Bottles of Adolphus Brand Improved B Complex, 240 Bottles of Adolphus Brand Mineral Capsules, and 57 Bottles of Adolphus Brand Tar Shampoo. Default decree of condemnation and destruction. (F. D. C. No. 11598. Sample Nos. 55529-F, 55530-F, 55532-F to 55538-F, incl., 55540-F.)

On January 12, 1944, the United States attorney for the Southern District of California filed a libel against the above-mentioned products at Los Angeles, Calif. On January 18, 1944, an amendment to the libel was filed to cover a shipment of 4 boxes of booklets and leaflets at Los Angeles, Calif. It was alleged that the articles and the printed matter had been shipped on or about December 23, 1943, by Adolphus Hohensee, from Seattle, Wash.

The Broom Herb Laxative, also known as "Ozolax," was labeled in part: "Active All Herb Ingredients Senna Leaves, Buckthorn Bark, Licorice, Fennel Seeds, Blue Century Flowers, Peppermint." The article was alleged to be misbranded (1) in that certain statements in an accompanying booklet entitled "Adolphus Messenger of Health, Success and Happiness" regarding the efficacy of the article in building resistance against colds and sinus conditions and in keeping the system sweet and clean were false and misleading since the article would not be efficacious for such purposes; (2) in that its labeling failed to bear adequate directions for use since the article was an irritant laxative and the following of the directions in the booklet, which recommended that it be taken once a week for effective cleansing and that in cases of constipation it would be wise to use the article daily, might result in dependence upon laxatives to move the bowels; and (3) in that the common or usual name of each active ingredient was not placed on the label in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use, since the statement, "Active All Herb Ingredients: Senna Leaves, Buckthorn Bark, Licorice, Fennel Seeds, Blue Century Flowers, Peppermint," included not only the names of the laxative ingredients but also the names of ingredients which were not active for the reason that they did not contribute to the laxative effect of the article.

The peppermint was alleged to be misbranded in that certain statements in the accompanying booklets entitled "Nutritional Food Guide," "Adolphus Messenger of Health, Success and Happiness," and "The Health, Success and Happiness Lectures 'The Normal Ration'," were false and misleading since they represented and suggested that the article, when prepared as directed, would be efficacious as an alkalizer and would dissolve fat, whereas the article would not be effective for such purposes.

The calcium pantothenate was labeled in part: "Calcium Pantothenate with Vitamin B-1 Each Tablet Contains: 10 Mg. Calcium Pantothenate 333 USP Units Vitamin B-1 Plus B Complex Factors From Brewers' Yeast." The article was alleged to be misbranded in that certain statements on its label regarding its efficacy in preventing and correcting premature graying of the hair were false and misleading since the article would have no effect on the color of gray hair.

The calcium tablets designated as "Natural Organic Calcium Tablets" were labeled in part: "Each Tablet Contains Calcium—75 Milligrams Phosphorus—38 Milligrams Vitamin D—100 U. S. P. XI Units." The other lot of calcium tablets was labeled in part: "Adolphus Brand Calcium with Phosphorus and Vitamin D." Both lots were alleged to be misbranded in that certain statements in the accompanying booklet entitled "The Health, Success and Happiness Lectures Arthritis and Rheumatism" were false and misleading since they represented and suggested that the article would be efficacious in the prevention of arthritis, rapid aging due to lack of calcium, mental deficiency, stunted physical development, decayed teeth, acidity, nervousness, bad eyes, sleeplessness, lack of pep, neuralgia, numbness of the skin, dislike for exertion, and melancholia; that it would be efficacious in building bone, muscles, teeth, and perfect health; that it would aid the development of charm and magnetism, strengthen the mental powers, and improve the nutrition of nerve tissue, and especially heart tissue; that it would aid in the growth of hair; that it would act on the bone and brain; and that it would act as an agent of life and growth. The article would not be efficacious for such purposes. The "Natural Organic Calcium Tablets" were alleged to be further misbranded in that the statements in the labeling, "Calcium Tablets with Phosphorus," "As a dietary supplement take two tablets with each meal," "Each Tablet Contains Calcium—75 Milli-

grams Phosphorus—38 Milligrams,” and “Four tablets three times daily will supply, with normal food intake, full adult requirements of Calcium & Phosphorus,” were false and misleading since the article contained approximately 6 milligrams of calcium and 5 milligrams of phosphorus; four tablets three times daily would not supply full adult requirements of calcium and phosphorus; and the article would not supply, when taken in accordance with the directions on the package, a significant amount of either calcium or phosphorus.

The soybean lecithin was labeled in part: “4 Grains Soybean Lecithin in 3 Minimum Soybean Oil with 150 U. S. P. Units Vitamin D, from Irradiated Ergosterol.” The article was alleged to be misbranded in that the statement, “The ideal nerve and brain food,” which appeared in the accompanying booklet entitled “Nutritional Food Guide” and the accompanying order blank, was false and misleading since the article was not an ideal nerve and brain food.

The wheat germ oil was alleged to be misbranded in that the accompanying booklet entitled “Nutritional Food Guide” contained the following false and misleading statements: “Muscles \* \* \* Lack of ‘E’—Weakness; partial paralysis,” and “Results of Mild Deficiency \* \* \* ‘E’ Sterility disturbance during pregnancy, impaired mentality.” The article would not be effective in the prevention of the diseases, conditions, and symptoms stated and implied.

The Improved B Complex Food Supplement was alleged to be misbranded in that certain statements in the accompanying booklets entitled “Adolphus Messenger of Health, Success and Happiness” and “Nutritional Food Guide” were false and misleading since they represented and suggested that the article would be efficacious in the prevention of indigestion, poor appetite, fatigue, lack of energy and pep, loss of weight, nervousness, inability to concentrate, difficulty in relaxing, dry scalp skin, slow heart beat, disease of the muscular substance of the heart, poor lactation, poor appetite, poor flow of digestive juices, constipation, tendency to peptic ulcers, bone marrow degeneration, loss of muscular tone, soreness and pain, spasms, general weakness, nervousness, neuritis, and gastric and intestinal disturbances; and that it would be efficacious in the promotion of perfect coordination, growth, healthy eyes, and normal skin and morale. The article would not be efficacious for such purposes.

The Adolphus Brand Mineral Capsules were alleged to be misbranded in that the statement in an accompanying order blank, “Adolphus Mineral Capsules \* \* \* containing all the principal minerals needed in the human body,” was false and misleading since the article, when taken in accordance with the directions in the labeling, would not supply all of the principal minerals needed in the human body, and since the amounts of calcium and phosphorus, two of the principal minerals needed, which would be supplied by the article when taken in accordance with the directions, were but a small fraction of the amounts needed.

The Adolphus Brand Tar Shampoo was alleged to be misbranded in that the statement on the order blank, “Adolphus Tar Shampoo For \* \* \* dandruff, and falling hair,” was false and misleading since the article was not an adequate remedy for dandruff and falling hair.

The articles, with the exceptions of the tar shampoo and the Broom Herb Laxative, were alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 7924.

On April 14, 1944, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**1358. Misbranding of Udga Tablets. U. S. v. 62 Boxes, 3 Bottles, and 6 Bottles of Udga Tablets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6912. Sample No. 86830-E.)**

On February 27, 1942, the United States attorney for the Northern District of Illinois filed a libel against 62 boxes, each containing 20 tablets, 3 bottles, each containing 100 tablets, and 6 bottles, each containing 50 tablets, of the above-named product at Chicago, Ill., alleging that the article had been shipped from St. Paul, Minn., by Udga, Inc., on or about January 8, 1942.

Analysis showed that the article contained, per tablet, 6.88 grains of bismuth subcarbonate, 10.23 grains of magnesium oxide, 7.29 grains of sodium bicarbonate, 0.2 grain of Rochelle salt, and a small proportion of saccharine. The statement of active ingredients was in small, inconspicuous type.

The article was alleged to be misbranded in that certain statements on its label and in an accompanying circular were false and misleading since they represented and suggested that the article would be efficacious for the relief of excessive gastric hyperacidity as manifested by sour stomach, heartburn, acid dyspepsia, excessive gas, belching, and flatulence; and that it would be efficacious